

## Message Text

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PAGE 01 STATE 206107  
ORIGIN L-03

INFO OCT-01 AF-10 ISO-00 ICA-20 JUSE-00 PER-05 /039 R

DRAFTED BY L/C:FAKWIATEK:JW

APPROVED BY L/C:FAKWIATEK

AF/E - K.P. GARLAND

AF/EX - J.E. BECKER

-----098696 151737Z /46

R 151536Z AUG 78

FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA

UNCLAS STATE 206107

E.O. 11652: N/A

TAGS: ACLM, ET, US

SUBJECT:TORT CLAIM CONCERNING TRAFFIC ACCIDENT INVOLVING  
DEPARTMENT EMPLOYEE

REF: (A) ADDIS 3169 (B) ADDIS 2487 (C) STATE 191084 AND  
(D) ADDIS 3417

1. BASED ON RESPONSE CONTAINED IN REFTEL D THAT WILLS  
WAS NOT, REPEAT NOT, OPERATING EMBASSY VEHICLE INVOLVED  
IN ACCIDENT WHILE ACTING WITHIN THE SCOPE OF HIS OFFICE  
OR EMPLOYMENT, CLAIM IS NOT, REPEAT NOT, COMPENSABLE  
UNDER THE PROVISIONS OF THE FEDERAL TORT CLAIMS ACT OF  
1949, OR THE ACT OF AUGUST 1, 1956.

2. FACT THAT WILLS WAS OPERATING A VEHICLE UNDER A POST  
APPROVED POLICY NOT PROHIBITED BY 6 FAM 237.1-4 (E) DOES  
NOT JUSTIFY ANY EXCEPTION TO REQUIREMENT OF ACT THAT  
NEGLIGENT OR WRONGFUL ACTS OR OMISSION MUST TAKE PLACE  
WHILE EMPLOYEE ACTING WITHIN THE SCOPE OF HIS OFFICE OR  
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EMPLOYMENT.

3. UNFORTUNATELY, WILLS HAD THE BAD LUCK TO BE ASSIGNED  
A VEHICLE WHICH HAD ERRONEOUSLY BEEN OMITTED FROM THE

FLEET INSURANCE POLICY OF THE EMBASSY. AS EMBASSY  
CORRECTLY STATES, HAD VEHICLE BEEN COVERED BY FLEET

POLICY INSURANCE COMPANY WOULD BE FACED WITH PROBLEM OF  
SETTLING CLAIM.

4. IN CIRCUMSTANCES, EMBASSY NOT, REPEAT NOT, AUTHORIZED  
TO NEGOTIATE OUT OF COURT SETTLEMENT OR PROCURE LEGAL  
SERVICES WITH VIEW TO SETTLING CLAIM UNDER THE FEDERAL  
TORT CLAIMS ACT OF 1949 AND THE ACT OF AUGUST 1, 1956.

5. BUREAU CURRENTLY STUDYING WHAT OTHER COURSE OF ACTION  
MAY BE FEASIBLE REGARDING SETTLEMENT. SEPTEL FOLLOWS. CHRISTOPHER

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Drafter:** FAKWIATEK:JW  
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**Reference:** 78 ADDIS ABABA 3169, 78 ADDIS ABABA 2487, 78 STATE 191084, 78 ADDIS ABABA 3417  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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EO Systematic Review  
20 Mar 2014  
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